

12335 Santa Monica Blvd  
Los Angeles, CA 90025

FILED

Attorneys for Plaintiff(s)

1 Patrick Smith in pro per

2 PT 3  
3 PATENT & TRADEMARK  
4 OFFICE  
5 CLERK, U.S. DISTRICT COURT  
6 CENTRAL DIST. OF CALIF.  
7 LOS ANGELES  
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CLERK, U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

2008 MAY 21 PT 3 CLERK, U.S. DISTRICT COURT CENTRAL DIST. OF CALIF. LOS ANGELES	PLAINTIFF(S)	CASE NUMBER CV08-3371 RGK (SSx) COMPLAINT FOR 3,534,676 5,598,947
Patrick Smith 	v. Gregory Morse	DEFENDANT(S)

10 Defendant, Mr. Gregory Morse, Deceit, fraudulent misrepresentations and omissions.

11 I received a letter September 28, 2007 from the Office of the Commissioner for Patents at  
 12 the United States Patent and Trademark Office (USPTO) Mr. Gregory Morse, concerning  
 13 my complaint that U.S. Patent #3,534,676 granted by the PTO is false, invalid and is a  
 14 violation of US and Patent laws. 3,534,676 describes a vending machine with a built-in  
 15 "microwave oven" shown as a box like device with food item entering in thru a rear door  
 16 and dispensed out of a trap door. A violation of the U.S. Radiation Protection regulations  
 17 that require microwave ovens have a front door that closes locks and seals to protect from  
 18 radiation leakage. 3,534,676 also violated Patent law 35 U.S.C. #112 re. Specifications  
 19 "The specifications shall contain a written description of the invention, and manner of the  
 20 making and using it, in full, clear, concise, and exact terms". But 3,534,676 stated: "All  
 21 features and control of the oven will be omitted" Regardless the PTO issued #3,534,676  
 22 Defendant, Gregory Morse, determined to conceal violations, wrote 09/28/07 letter re. the  
 23 false #3,534,676 referring (in 5<sup>th</sup> paragraph of the letter) to MPEP 2164 "Enablement  
 24 Requirement" a four (4) paragraph description of "Patentability" but Mr. Gregory Morse  
 25 fraudulently misrepresented MPRP by altering, concealing, omitting two (2) of the four  
 26 paragraphs of the "Enablement Requirement" and the "Patentability" description.  
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1 paragraphs, for the purpose of making the MPEP appear to allow the violations by the  
2 false patent. The two (2) paragraphs Morse omitted actually condemn the 3,534,7676  
3 violations. (see encl. actual four (4) paragraph MPEP 2164 Enablement Requirement)  
4 Defendant Morse described in the letter paragraph two (2) and paragraph three (3) but  
5 he omitted paragraph one (1) and paragraph four (4) condemning false patent 3,534,676  
6 Defendant's letter September 28, 2007 a false representation, made knowingly with intent  
7 that I detrimentally rely on fraudulent misrepresentations, and omission of material facts.  
8

9 Mr. Morse sent the fraudulent 09/28/07 letter in response to my 09/12/07 letter to Senator  
10 Patrick Leahy Chairman of the Senate Judiciary Committee, complaining about the false  
11 patent #3,534,676 beginning with a denial of my patent application on a vending machine  
12 with a built-in actual microwave oven, and I complained to Senator Feinstein's LA office.  
13 resulting in the PTO admitting 3,534,676 was a mistake and the PTO then granted patent  
14 #5,598,947 to me. But the PTO subsequently canceled my patent saying I failed to pay a  
15 maintenance fee, I never heard of the maintenance fee. I paid the fee and a penalty so as  
16 to reinstate my patent. To insure that another cancellation did not happen again I wrote a  
17 letter to the Patent Commissioner, stating that I intended to pay the next maintenance fee  
18 on February 5, 2005 and I emphasized, if not correct please let me know. Later the PTO  
19 with my letter in their possession, canceled my patent for not paying fee February 4, 2005  
20 I realized I would have to sue the Patent Office for misconduct to recover my losses, that  
21 included a signed contract to purchase my patent #5,598,947 for one million, one hundred  
22 twenty five thousand (\$1,125,000) and the stress of continually dealing with this PTO  
23 misconduct. I wrote to President Bush explaining the PTO misconduct, and he responded  
24 that he would send the problem to the Commerce Department. A prior letter to President  
25

26 that he would send the problem to the Commerce Department. A prior letter to President  
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28

1 Bush was referred to the Patent Commissioner. I then received a letter from his secretary  
2 telling me to stop writing to the Patent Office. As much of a problem as this is for me, it  
3 is a more serious problem for the government. This misconduct by the Patent Office will  
4 shock the public's confidence in the validity of U.S. issued patents. The question is, who  
5 inside the patent office did this? No patent examiner would approve a box device with a  
6 trap door described as a microwave oven, and no patent examiner would allow the patent  
7 specification requirement to describe the invention in full, clear, concise, and exact terms  
8 to be so flagrantly dismissed as: "all features and control of the oven will be omitted".  
9  
10 This fraudulent deceit, misrepresentation and omission, violates both US and patent laws.  
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*Paul Smith*  
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5/21/08

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

**CV08- 3371 RGK (SSx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith

PLAINTIFF(S)

v.

Gregory Morse

DEFENDANT(S).

CASE NUMBER

CV08-3371 RGK (SSx)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
Patrick Smith, whose address is:

12335 Santa Monica Blvd.  
Los Angeles, CA 90025

an answer to the  complaint  amended complaint  counterclaim  cross-claim  
which is herewith served upon you within 20 days after service of this Summons upon you, exclusive  
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief  
demanded in the complaint.

Clerk, U.S. District Court

Dated: 5/23/08

By: \_\_\_\_\_

HANA RASHAD **SEAL**

Deputy Clerk

(Seal of the Court)

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith  
v.  
**FOR OFFICE USE ONLY**

PLAINTIFF(S)

CASE NUMBER

CV08-3371-RGK (SS)

Gregory Morse

DEFENDANT(S).

*Alias*

SUMMONS

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Patrick Smith, whose address is 12335 Santa Monica Blvd. Los Angeles, CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**FOR OFFICE USE ONLY**

U.S. District Court

AUG - 4 2008

Dated: \_\_\_\_\_

By: \_\_\_\_\_

HANA RASHAD

Deputy Clerk

(Seal of the Court)

SEAL

*[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith

v.

Plaintiff(s)

Gregory Morse

Defendant(s)

CASE NUMBER:

CV-8-3371-RGK (SSX)

PROOF OF SERVICE  
SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

a.  summons  complaint  alias summons  first amended complaint  
 second amended complaint  
 third amended complaint

other (specify):

2. Person served:

a.  Defendant (name): Gregory Morse

b.  Other (specify name and title or relationship to the party/business named):

c.  Address where papers were served: U.S. Patent + Trademark Office

PO BOX 1450  
Alexandria VA 1450

3. Manner of Service in compliance with (the appropriate box must be checked):

a.  Federal Rules of Civil Procedure  
b.  California Code of Civil Procedure

4. I served the person named in Item 2:

a.  By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.

1.  Papers were served on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

b.  By Substituted service. By leaving copies:

1.  (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.

2.  (business) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.

3.  Papers were served on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

4.  by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

5.  papers were mailed on (date): 09/24/08

6.  due diligence. I made at least three (3) attempts to personally serve the defendant.

c.  **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of Summons and Complaint).

d.  **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.

e.  **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (Attach a copy of the order to this Proof of Service).

f.  **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).

g.  **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).

h.  **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

a.  by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served: *Gregory Morse*

Title of person served:

Date and time of service: (date): *09/24/08* at (time): \_\_\_\_\_

b.  By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attach signed return receipt or other evidence of actual receipt by the person served).

c.  By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (name, address and telephone number):

*CARLOS FRANKLIN BELL-OUTLAWS  
BOX 861525  
L.A. CA 90012*

a. Fee for service: \$ \_\_\_\_\_

b.  Not a registered California process server

c.  Exempt from registration under B&P 22350(b)

d.  Registered California process server

8.  I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: *9-24-08*

*Carlos Franklin Bell-Outlaws*  
(Signature)

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith

**FOR OFFICE USE ONLY**

PLAINTIFF(S)

CASE NUMBER

CV08-3371-RGK (SSx)

v.  
Gregory Morse

DEFENDANT(S)

Alias

SUMMONS

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Patrick Smith, whose address is 12335 Santa Monica Blvd. Los Angeles, CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**FOR OFFICE USE ONLY**

U.S. District Court

Dated: AUG - 4 2008**FOR OFFICE USE ONLY**

By: \_\_\_\_\_

HANA RASHAD

Deputy Clerk

(Seal of the Court)

SEAL

*[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]*